

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IVETTE ESTRADA RABELO f/k/a
Ivette Bonfim,

Plaintiff,

v.

Case No: 2:19-cv-849-FtM-38NPM

EQUIFAX INFORMATION
SERVICES, LLC and W.S.
BADCOCK CORPORATION,

Defendants.

ORDER

This matter is before the Court on the Motion for Default as to Defendant W.S. Badcock Corporation, filed on January 10, 2020. (Doc. 12). W.S. Badcock filed an Opposition on January 16, 2020. (Doc. 20).

Plaintiff Ivette Estrada Rabelo requests that a default be entered against W.S. Badcock for failure to serve its answer. On January 16, 2020, W.S. Badcock filed its Answer and Affirmative Defenses. (Doc. 19).

Pursuant to Fed. R. Civ. P. 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” However, “defaults are seen with disfavor because of the strong policy of determining cases on their merits.” *Claytor v. Mojo Grill & Catering Co. of Belleview, LLC*, No. 5:14-CV-411-OC-30PRL, 2015 WL 1538111, at *1 (M.D. Fla. Apr. 7, 2015) (citations omitted). Here, upon realizing that Defendant was served, Defendant promptly filed an Answer and Affirmative Defenses

(Doc. 19) and a response to the instant motion. For these reasons, the Court finds that a default is not warranted in this case.

Accordingly, it is hereby **ORDERED**:

The Motion for Default as to Defendant W.S. Badcock Corporation (Doc. 12) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on January 17, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties